

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

<b>In re:</b>	)	
	)	
<b>PHILIP JAY FETNER,</b>	)	<b>Case No. 17-13036-KHK</b>
	)	<b>(Chapter 11)</b>
<b>Debtor.</b>	)	
<hr style="border: 0.5px solid black;"/>	)	
<b>STEPHEN S. ROSZEL, VII,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>PER BANG-JENSEN, Co-Executors,</b>	)	
	)	
<b>Movants,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PHILIP JAY FETNER,</b>	)	
	)	
<b>Respondent.</b>	)	

**STIPULATION AND CONSENT ORDER**  
**GRANTING RELIEF FROM AUTOMATIC STAY**

UPON CONSIDERATION of Movants' *Motion for Entry of Consent Order* ("Motion")  
and it appearing that proper notice has been given, and

IT FURTHER APPEARING that the parties have consented to entry of this Consent  
Order,

THE PARTIES HAVE STIPULATED THAT:

1. On April 18, 2017, judgment was entered in favor of Movants and against Debtor  
in the case styled *Stephen S. Roszel, VII and Per Bang-Jensen, Co-Executors of the Last Will and  
Testament of Stephen S. Roszel, VI and Susan Roszel Hartz v. Philip Jay Fetner*, Case No.:  
CL09-670, ("Judgment") filed in the Circuit Court of Fauquier County. The Judgment became a  
final judgment on June 7, 2017.

2. On June 29, 2017, Debtor filed his Notice of Appeal in the Circuit Court of Fauquier County.

3. On September 7, 2017, Debtor filed a voluntary Petition for relief under Chapter 11 of the U.S. Bankruptcy Code.

4. On October 5, 2017, Debtor filed his Petition for Appeal (“Appeal”) in the Supreme Court of Virginia.

5. Movants seek to file a response opposing the Appeal, but are unable to do so as a result of the automatic stay imposed under 11 U.S.C. § 362.

6. Debtor filed the Petition for Appeal post-petition, consequently lifting the stay to allow Movants to respond to the Appeal would be consistent with Debtor’s filing of the Appeal. Further, the Supreme Court of Virginia is uniquely positioned to decide the Appeal and allowing the Supreme Court of Virginia to do so now would be the most efficient means for reaching final adjudication of the case.

7. Relief from the automatic stay may be granted pursuant to 11 U.S.C. §362(d).

THEREFORE, it is hereby:

ORDERED, that the Motion is hereby Granted; and it is

FURTHER ORDERED, that Movants are granted relief from the Automatic Stay to (1) file a Brief in Opposition to Debtor’s Appeal filed in the Supreme Court of Virginia, (2) file a Brief of Appellee in the Supreme Court of Virginia, and (3) present oral argument in the Supreme Court of Virginia.

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian F. Kenney, U.S. Bankruptcy Judge

ENTERED on Docket: \_\_\_\_\_

I ASK FOR THIS:

/s/ Ronald J. Aiani  
Ronald J. Aiani, Esq. (VA Bar #32085)  
Ronald J. Aiani, P.C.  
86 East Lee Street  
Warrenton, VA 20186  
(540) 347-5295

SEEN AND CONSENTED TO:

/s/ John T. Donelan, by Ronald J. Aiani with electronic consent  
John T. Donelan, Esq. (VA Bar #18049)  
Law Office of John T. Donelan  
125 S. Royal St.  
Alexandria, VA 22314  
(703) 684-7555

**CERTIFICATION UNDER LOCAL RULE 9022-1(C)(1)**

I hereby certify that a true copy of the foregoing was emailed or mailed first-class, postage prepaid, on this 23<sup>rd</sup> day of October, 2017 to creditors and parties in interest shown on the attached service list.

/s/ Ronald J. Aiani  
Ronald J. Aiani, Esquire

**PARTIES TO RECEIVE COPIES**

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115 South Union St., Ste. 210  
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